

Confessions of an Ex-Neoliberal

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I have a confession to make: I was a neoliberal once. I used to work for *Handelsblatt*, a sort of German equivalent to the WSJ. Jesus, I was young and naive, and I needed the money, so... you know, what can I say. But it's not that I want to talk my way out of it. No, it's true, I have written a lot at that time which I am not proud of anymore. Not proud at all. Once, though, I got myself into trouble when, as a junior editor at the politics section, I was crazy enough to find the idea of a tax cap for completely disproportionate manager salaries somewhat plausible in an opinion piece. Boy, was I yelled at by my superiors. But, to my shame, I by no means resisted and fought for my position. I was terribly afraid and thought that my journalism career had come to an end before it had really begun. I practiced capitalist self-criticism and was given the chance to prove myself in production. And I did prove myself. Did not happen again. I was meek and conformist, and yes, it also vaguely made sense to me that things could not go on like this with the welfare state, especially since everyone else apparently found that entirely self-evident.

Whew! It's good to have that off my chest. At any rate, and this is important to me, I never harmed anyone.

Angela Merkel is leaving, and that brings out all sorts of things long past and forgotten. Friedrich Merz, for example, Merkel's erstwhile rival who had quit politics and spent the last decade or so doing well for himself as a business lawyer. He was gone for ten years, and the fact that he is coming back now to run for the chairmanship of the Christian Democratic Union awakens memories of the good old days in some and the bad old days in others, which in one respect amounts to the same thing: His candidacy is a way to bracket the entire decade of the Euro crisis, the refugee crisis, Brexit, Panama Papers, Cum-Ex and Trump out of the political collective consciousness, and that in any event feels great. Merz before and Merz afterwards: This is how the past can be imagined as a future without the present, in which the CDU is once again properly evil and social democracy once again something for lefties and both once again poles of opposition to align the political magnetic field in Germany as it has always been.

But that's pure fantasy. What happened during the past ten years is real. And that didn't just somehow happen but was the intentional product of exactly the policy that Merz enthusiasts left and right now indulge in sentimentality about. A policy that sold under the beautiful word "competitiveness" as a matter of humanistic liberty what in fact and intentionally amounted to little else but replacing the right of the other with the right of the stronger. A policy for which libertarian was the superlative of liberal and not the opposite.

Worse than a crime, a mistake!

Angela Merkel used to be the most neoliberal of the neoliberals. The fact that she later corrected herself was interpreted as a sign of her lack of principles. It was also Angela Merkel who had refused the euro-crisis-shaken EU members at the external borders solidarity when thousands of refugees and migrants drowned off their coasts in the Mediterranean. Here, too, she corrected herself in the summer of 2015, and when she admitted that her previous damned-if-I-care course had been a mistake, she was immediately told: Ah, now she admits that her refugee policy was all wrong! The refusal of broad sections of the public to acknowledge or even recognize Merkel's ability to learn from her mistakes seems remarkable to me. It implies that there was nothing at all to learn from and to correct. Mistake? Nope. Nothing to see there.

We know this sort of amnesia, don't we? Our parents also went kind of silent about their feelings for Comrade Hoxha, Pol Pot and Chairman Mao at some point. Not to mention our grandparents (also for reasons of incomparability). From my generation, all that is heard about our libertarian aberrations of the 90's and 00's is an embarrassed cough, at best. But just we wait until our children grow up. We have something to answer for, too.

Anyway, the demand for neoliberal authoritarian politics in Germany – unlike, good heavens, in Brazil – seems to be rather low at the moment. As far as the supply side is concerned, Friedrich Merz carefully avoided any allusion to a neoliberal agenda during his appearance in Berlin. Instead, together with a number of other silver-haired retirees, including the embodiment of old-school CDU evilness Roland Koch (oh my God, Roland Koch!), Merz published an op-ed calling for a "[Europe of solidarity](#)" in the very *Handelsblatt* I used to work for. That op-ed is actually really good. I wish Merkel would follow their advice. Oh, wait: she's about to retire herself...

++++++A Note from MPIL Momentum++++++

Schutzverantwortung, Selbstverteidigung, Souveränität: Eine kritische Analyse des ILA Final Report on Aggression and the Use of Force

Eine Podiumsdiskussion mit Helmut Aust und Paulina Starski

am Mittwoch, 7. November 2018, 12:00 – 14:00 Uhr in der Berlin-Brandenburgischen Akademie der Wissenschaften, Einstein-Saal, Jägerstrasse 22/23, 10117 Berlin.

Details und Anmeldung [hier](#).

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Meanwhile, no one in Germany seems to be bothered much about that other big-time Christian-Democratic human resource decision: picking a *Spitzenkandidat* for the EU elections next year. This week in Helsinki, the European People's Party delegates will anoint their leader of their election campaign and thereby likely President of the next EU Commission. Manfred Weber of the CSU is competing

against the Finn Alexander Stubb. The material question is essentially whether Viktor Orbán should be regarded as a friend (Weber) or an opponent (Stubb). If Orbán's friend becomes Commission President and thus decides what is cause for an infringement procedure and what is not, then the sponsor of illiberalism in Europe has nothing much to fear from the EU any more, and the EU all the more from him.

CSU leader Horst Seehofer wants to go to Helsinki to promote Weber; possibly his last official act before he steps down, too, finally, FINALLY!! But the CDU is also throwing its considerable weight behind their ally from Bavaria. Therefore, Weber is most likely going to get the nod. That is on Angela Merkel who, for the time being, still is the chairwoman of the CDU. Another mistake for her to regret eventually.

Inconvenient truths

Even more is at stake in the game of chicken that **Italy** and the EU are playing with each other over the Italian budget. Italy is deliberately breaking the rules, but those rules have been made by and for Germany, and that's the part of the truth we Germans don't like to acknowledge in our amnesia. [FREDERIK TRAUT](#) dishes it to us nevertheless and all the more emphatically.

In the field of refugee policy, **Germany** has meanwhile shifted to, among other things, using information campaigns to convince migrants in their countries of origin not to embark in the first place. In some cases, however, one must rather speak of a disinformation campaign which, according to the report by [FREDERIK VON HARBOU](#), suggests that already the act of emigration is illegal as opposed to being a human right (German).

The recently leaked **German-Greek** migration agreement is supposed to enable Germany to refuse entry to refugees at the Austrian border whose fingerprints have been recorded in Greece. According to [TINO HRUSCHKA](#), this is legal wishful thinking and, as long as the current Dublin III Regulation is still in force, in conflict with the law (German).

In **Hungary**, the besieged Central European University has ultimately decided to go into exile and move to Vienna. RENÁTA UITZ, professor of comparative constitutional law at the CEU and one of the most renowned researchers in her field, describes in a [two-part blog post](#) what it feels like to be abandoned by the rule of law in Europe in this way.

In **Hungary**, being homeless has recently become a punishable offence. [VIKTOR KAZAI](#) is investigating whether there is a chance that this law will be declared unconstitutional.

According to a judgment of the European Court of Human Rights, **Austria** did not violate the Human Rights Convention by punishing an FPÖ woman who called the prophet Mohammed a pedophile. [ANDREAS TH. MÜLLER](#) is annoyed by the way the Strasbourg judges are avoiding the problem of blasphemy laws at all.

In the **USA** the midterm elections are approaching, and their outcome might be determined by state legislators fiddling with the legal electoral framework. [ARTHUR DYÉVRE, ANDRÁS JAKAB and GIULIO ITZCOVICH](#) take the US Supreme Court's reluctance to recognize gerrymandering as a constitutional problem as an occasion to plea for more quantitative legal research.

A Halloween spook of the particularly creepy kind was performed this week by **US** President Donald Trump with his suggestion that he could determine by decree how the constitution should be interpreted with regard to birthright citizenship. [JUD MATHEWS](#) shows that the constitutional reasoning behind this is flimsy to non-existent, but that does not really do much to reduce the horror.

Elsewhere

[RONAN Ó FATHAIGH](#) addresses the fifth of a whole series of rulings against **Turkey** by the European Court of Human Rights to protect the Istanbul publisher Fatih Ta# from being punished under the infamous "insult to Turkishness" law and hopes that the court's call to reform that piece of criminal law will eventually take effect.

[PETER NIESEN and MARKUS PATBERG](#) argue for a democratic right for the **UK** to revise its Brexit decision.

[PATRICK DUNLEAVY](#) examines what the loss of the meta-narrative of "Europeanisation" could mean for **British** constitutional law and its possible relapse into "rudderless ideosyncrasy".

[JEAN PHILIPPE DEROSIER](#) returns to the controversial issue of the burqa ban on the occasion of the reprimand of the UN Human Rights Convention against **France**.

[STEPHEN TIERNEY](#) analyses the attempt of the British government to help **Northern Ireland**, after 18 months of disunity in the regional parliament, get an effective executive at last.

[SHARAN GREWAL](#) describes how **Tunisia** is taking legal action against racism.

And that will be all for now. I hope you enjoyed it, and if you wish to support our efforts for the betterment of penitent ex-neoliberals, please be encouraged to do so [here](#).

All the best,

Max Steinbeis

